



components of his condition producing long term pain and were subjecting him to a course of treatment for sadistic or other non-medical reasons. As exemplified by the record, medical judgment in such a setting often involves taking into account all of an individual's needs in formulating an effective course of treatment. And as discussed in more detail in the Magistrate Judge's report and recommendation, the record here lacks sufficient evidence to meet the required level of scienter needed to prove the medical defendants were engaging in deliberate indifference in a manner that involved an "unnecessary and wanton infliction of pain." Estelle v. Gamble, 429 U.S. 97, 104 (1976). Consequently, these defendants are entitled to summary judgment; and

IT FURTHER IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if plaintiff desires to appeal from this Order she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: The Honorable Cynthia Reed Eddy,  
United States Magistrate Judge

Annamarie Truckley, DAG  
Scott A. Bradley, SDAG  
Benjamin M. Lombard, Esquire  
Samuel H. Foreman, Esquire

*(Via CM/ECF Electronic Mail)*

MICHAEL MARKOWITZ  
AP-8211  
SCI Greene  
169 Progress Drive  
Waynesburg, PA 15370

*(via U.S. First Class Mail)*